

June 25, 2019

SUBMITTED ELECTRONICALLY

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

Re: Freedom of Information Act Request for All Records Related to Regulation of Methane for the Oil and Gas Sector

Dear National Freedom of Information Officer:

Environmental Defense Fund (“EDF”) respectfully requests records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Specifically, EDF requests copies of all correspondence that includes among its sender(s) or recipient(s):

1. any one or more of the following EPA custodians:

- a. Andrew Wheeler,
- b. William Wehrum,
- c. David Harlow,
- d. Ryan Jackson,
- e. Mandy Gunasekara,
- f. Samantha Dravis,
- g. Brittany Bolen,
- h. Patrick Traylor,
- i. Justin Schwab,
- j. Richard Yamada,
- k. Clint Woods,
- l. Anne Idsal,
- m. Elizabeth Shaw,
- n. Daisy Letendre,
- o. Matthew Leopold,
- p. John Konkus,
- q. Elizabeth Bowman, or
- r. Susan Bodine, and

2. the American Petroleum Institute (“API”), its member companies, or any entity representing API, including:
 - a. any of API’s staff, fellows, experts, board members, management, contractors, or anyone representing API in any capacity, specifically including any records containing “@api.org,”
 - b. any of API’s member companies, or
 - c. Employees of Hunton Andrews Kurth LLP (previously Hunton & Williams), including any communications by William Wehrum or David Harlow during their time at Hunton & Williams, including any records containing “@HuntonAK.com” or “@hunton.com.”

Further, EDF respectfully requests EPA search for responsive records: communications, visitor logs, documents, letters, information, notes, memoranda, electronic mail transmission or other electronic forms of information, telephone logs and records, meeting records, reports, analyses, assessments, data, and modeling, including all drafts and preliminary forms of any such records between any of the named EPA employees and API, its member companies, or any entity representing API as defined above.

This request includes records in the possession of EPA Headquarters and seeks records produced, modified, or transmitted from January 20, 2017 through the date that EPA begins searching for records responsive to this request.

If any of the information sought in this request is deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

Request for Expedited Processing

EDF respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(1)(ii), which applies when there is “[a]n urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public.” With respect to five other FOIA requests, EPA has recognized EDF’s eligibility for expedited processing on this basis.¹ In support of this request for expedited processing, I certify that the following information is true and correct to the best of my knowledge and belief:

- (1) EDF engages in extensive, frequent efforts to inform the public about matters involving environmental policy, including the extent to which industry priorities drive EPA policy.

¹ See Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-003545 (Feb. 23, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-005587 (Apr. 12, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-008622 (July 7, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-009283 (July 13, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPAHQ-2017-009579 (July 26, 2017).

For example, EDF has multiple channels for distributing information to the public, including through direct communication with its more than 2 million members, press releases, blog posts, active engagement on social media, and frequent appearances by staff in major media outlets.²

- (2) Expedited processing is critical so that the American public has access to information on the extent to which the regulated community participates in regulatory policy. API has previously submitted public comments on regulating methane,³ and given the pending proposal before OMB, the need for the public to see API's nonpublic comments and engagement with the agency is urgent.

Request for Fee Waiver

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. The records we seek concern the operations and activities of the government concerning its commitment to promote the health and welfare of Americans impacted by EPA's regulatory agenda, including the extent to which industry goals are adopted by EPA. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of issues of considerable public interest: EPA's support for industry goals. 5 U.S.C. §552(a)(4)(A)(iii). EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials. These outreach channels are proven effective: articles about records EDF has obtained through FOIA productions have appeared in several major media outlets.⁴

² See, e.g., David Lyon, *New EPA Data Confirms Methane Emissions Not Declining Fast Enough*, EDF Energy Exchange Blog (Oct. 23, 2018), <http://blogs.edf.org/energyexchange/2018/10/23/new-epa-data-confirms-methane-emissions-not-declining-fast-enough>; Press Release, EDF, Mexico's Finalized Methane Regulations Contrast with Trump's EPA Rollbacks (Nov. 13, 2018), <https://www.edf.org/media/mexicos-finalized-methane-regulations-contrast-trumps-epa-rollbacks>.

³ See, e.g., API Comments on EPA's NSPS for the Oil and Natural Gas Sector at ES-1, -2, EPA-HQ-OAR-2010-0505-6884 (Dec. 7, 2015) <https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0505-6884> (arguing "direct regulation of methane is unlawful" and "unnecessary")

⁴ See, e.g., Russ Choma and Rebecca Leber, *The EPA Hired GOP Oppo Firm Because it Was Sick of "Fake News,"* Grist (Jan. 7, 2019) <https://grist.org/article/the-epa-hired-gop-oppo-firm-because-it-was-sick-of-fake-news/> (reporting information disclosed through an EDF FOIA request); Ellen Knickmeyer, *Emails Show Cooperation Among EPA, Climate-Change Deniers*, Assoc. Press (May 26, 2018), <https://apnews.com/64cd37b0503440c0b92e6ca075f87dd4> (same); Michael Biesecker, *Emails: Pruitt Monitored Changes to EPA Webpages on Climate*, Assoc. Press (Feb. 2, 2018), <https://www.apnews.com/85e69300761040a2995f5b457f2ac9f4> (same); Coral Davenport & Eric Lipton, *Scott Pruitt Is Carrying Out His E.P.A. Agenda in Secret*, Critics Say, N.Y. Times (Aug. 11, 2017), <https://www.nytimes.com/2017/08/11/us/politics/scottpruitt-epa.html> (same).

For ease of administration and to conserve resources, we will accept documents produced in a readily accessible electronic format. EDF respectfully requests that EPA produce any responsive records as they become available, without waiting until all responsive records have been prepared for release. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (303) 447-7212 or by email at rwinn@edf.org.

Respectfully submitted,

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Boulder, CO 80302